

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with Member Maxwell, presiding.

Members Present: Mary Jane Baker, Bill Maxwell, Rick Durham, Albert Stewart and Bill Hobbs.

Members Absent: None.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken and all members were present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Member Stewart made a motion to approve the minutes with the corrections as stated. Member Hobbs seconded the motion. The vote was unanimous in favor of the motion.

Continued Petitions

1. **Petition: 2009-V-005 Variance/2009-SU-006 Special Use Zoning: R-2**
(Tabled at the 6/23, 7/28 and 8/25 Meeting)
Address: East side of CR 600 West, ¼ mile south of SR 128
Location: East side of CR 600 West, ¼ mile south of SR 128
Petitioner: Stapleton, Frank & Parthena
Request: Variance of Development Standards to provide for the construction of a barn to house livestock and implement storage. (R-2 zoned districts require a residential dwelling on a lot prior to an accessory structure.) Special Use to provide for an R-2 zoned parcel to be used for pasture and agriculture purposes.

No one was present representing this request.

Director Wilson stated that at the previous meetings the petitioners were informed this would need to be platted before this Board could take any kind of action. The petitioners have yet to submit an application to plat, therefore, staff is recommending this petition be withdrawn. Until then staff would begin the process of getting this in to compliance with the County Ordinances. By having the structures removed, any livestock, etc. At all the previous meetings there have been several remonstrators present and they deserve this lot to be maintained like any other property.

Petitioners, if they wish to pursue this request, they would need to start the process from the beginning.

A follow up letter was sent by staff to the petitioners informing them of the steps they would need to take in order to comply and also staff was going to recommend dismissal of their petitions.



Madison
County
Planning
Commission

Madison County
Government Center
16 E. 9th Street, Box 13
Anderson, IN 46016
Phone: (765) 641-9541
www.mcplanning.net

October 5, 2009

RE: 2009-V-005 & 2009-SU-006

Frank R. & Parthena Stapleton
1202 East Sigler Street
Frankton, Indiana 46044

Dear Mr. & Mrs. Stapleton,

This letter is to serve notice that after a public hearing held on September 22, 2009 in accordance with IC 36-7-4-920, the Madison County Board of Zoning Appeals voted to dismiss your variance and special use request to provide for the construction of a barn to house livestock and to utilize an R-2-zoned lot for agriculture purposes. The reason for the dismissal was due to your failure to submit an application to have the lot platted and since this petition had been initiated in June, 2009, sufficient time has passed for you to make that application.

In order for you to proceed with this request, you will need to resubmit an application to the Madison County Plan Commission (MCPC) for a variance and special use. Please note that as of this writing, your property is in violation of the *Madison County Land Use & Development Code*. You need to bring your lot into compliance.

If you have any questions about this letter or other planning and development issues, please feel free to contact me at 765-641-9541, or by email at cawilson@madisoncty.com.

Respectfully,

A handwritten signature in black ink, appearing to read "Cory A. Wilson", is written over a horizontal line.

Cory A. Wilson,
Executive Director

Member Hobbs moved to dismiss Petitions #2009-V-005 Variance/ and #2009-SU-006 due to in action on both petitions and staff recommendation.

Member Stewart seconded the motion.

The vote was unanimous in favor of the motion. **Petitions #2009-V-005 Variance and #2009-SU-006 were dismissed.**

Leslie Lawrence 3270 W 900N, Alexandria was present.

Mrs. Lawrence told the Board she was concerned with the barns that are there and wondered what would happen to those. Her husband had been at the previous meetings and had stated his objections to the petitioner's request.

Director Wilson stated staff would now begin the code enforcement process and asked they be patient with the process as this would not be corrected overnight.

New Business

1. **Petition: 2009-V-009 Variance** Zoning: AG
Address: 2800 East US Hwy 36, Markleville
Location: North side of Hwy 36, approximately ¼ mile west of CR 300 East
Petitioner: Keith J. Bronnenberg
Request: Variance of development standards to provide for the construction of a 1,280 square foot pole barn located 10 feet from the west property line (Article 3.4 of the Ordinance states: minimum side yard setback is 25 feet).

The Board was informed proper notification was given.

Mr. and Mrs. Keith Bronnenberg, 2800 E US 36 were present.

Mr. Bronnenberg told the Board they want to build the barn to be used as storage and for a hobby woodshop. No business would be conducted out of the barn. The barn will be 40' x 32' with a porch.

The petitioners are asking to place the barn at this location because of the septic and finger system. On the east side there is another finger system that goes under the drive which has been crushed several times and is expensive to rebuild. The east side system services the kitchen water.

A driveway permit has been obtained from the State.

Several Board members felt if they had more information concerning the lateral system and its distance from the property line, it would give them a better idea of what would be possible.

Director Wilson stated staff was not aware of any issue with the location of the finger system. If staff had had that information it would have helped with their recommendation. The petitioners would need to submit a scaled drawing showing the location of the septic and finger system staff would take a look at that.

There are a few structures to the north. The testimony the staff is hearing today seems to indicate there may be more questions concerning the finger system as opposed to this proposed structure. Staff believes with the size of this lot there could be a number of other locations where this structure could be located.

Staff sees no hardship with this property requiring the location of the structure in the proposed location. Staff believes they are already utilizing the drive way and putting heavy equipment over that finger system so that system is going to continue to be jeopardized with or without this new structure.

Staff is proposing the petitioners locate the structure in a different location and not one for convenience. The petitioner have said they are going to be doing woodworking and with the structure being placed ten feet from the property line that puts it close to the neighbor. It is very conceivable that loud noise will be an issue from this structure.

If the petitioner shifted this 15 feet in from the west property line it would be within the development standards. They could obtain a permit today. These are the reason staff is recommending denial. There is no hardship on this property. If petitioners would submit a scaled drawing showing the location of the septic system staff would look at this again, however does not guarantee a recommendation change.

There were no remonstrators present.

Member Hobbs moved to continue Petition #2009-V-009 until the October meeting with the petitioners submitting a scaled site plan showing where the septic system and laterals are located and all information is to be submitted ten days prior to the meeting.

Member Maxwell seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-V-009 has been continued until October.**

2. **Petition: 2009-V-010 Variance** Zoning: CR
Address: 5444 West Eighth Street Road, Anderson
Location: North side of Eighth St. Rd., approximately ½ mile west of 500 West
Petitioner: Andrew Garner
Request: Variance of development standards to construct an accessory structure in front of an existing dwelling. (Section 6.6 AS-01 (d) of the Ordinance states: All accessory structures shall be located to the rear of the primary structure.)

Proper notification was given.

Al Ray, 1705 W 950S, Pendleton.

Mr. Ray informed the Board he is the contractor and is here representing the petitioner.

Mr. Ray stated there are no animals on the property other than some dogs. The proposed structure will be for storage only.

The reason for the location of the structure is, the backyard slopes down into a flood plain for White River.

Other property owners have structure in front of their homes. The existing house sits back 328.9 feet off of the road.

Melvin Blair who lives across the street was present and told the Board he had no problem with this request. Mr. Blair just wanted to know where the building was going to be located.

Director Wilson stated he had been to the site and saw no animals. Normally staff would not recommend approval but because of the flood plain being located approximately 40 feet behind the dwelling. Staff does recommend approval with the conditions no farm animal storage.

There were no remonstrators present.

Member Stewart moved to approve Petition #2009-V-010 per staff recommendation and with the stipulation there are to be no farm animals on the property.

Member Durham seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-V-010 was approved.**

3. Petition: 2009-SU-009 Special Use Zoning: GC

Address: 862 East Broadway Street, Ingalls

Location: South side of SR 67, approximately 1/8 mile east of 650 West

Petitioner: Ladimer Baird

Request: Special Use to provide for the construction of a new single-family dwelling on a general commercial) zoned parcel (Section 3.23 of the Ordinance states a Special Use grant is required for a single-family dwelling in a GC

district).

Proper notification was given.

Doug Mader, Contractor for the petitioner was present representing their request for the Special Use Petition.

Doug Mader: Business – 862 E Broadway, Ingalls; Home – 7430 N 850E, Brownsburg, IN.

Also, present was Mr. Mader's interrupter.

The Board was informed there had been a residential dwelling on the property but it has been torn down. The petitioner wants to build their house on the property. The property is zoned General Commercial (GC) but all surrounded by Conservation Residential (CR).

This type of request has been granted so long as the request matches the use. Staff is recommending approval.

Ingalls does supply public services. Water and sewer is nearby the subject site.

The following is a letter submitted by, Brandon Clidence, Environmental Supervisor for the Madison County Board of Health:

Judy King

From: Brandon Clidence
Sent: Monday, September 14, 2009 8:54 AM
To: Judy King
Subject: Baird property, 826 E. Broadway, Ingalls, IN

Judy- As of this writing, we have yet to receive sewage disposal installation plans. I believe that if things are laid out correctly, a system can be installed on-site. The only potential hang-up I see is installing a system for a 4 bedroom residence and maintaining all of the proper separation distances, including the existing well. We are requesting that the installation plans be drawn to scale to determine if this can be accomplished. If not, they may need to abandon the existing well and install a new one. If all else fails, sanitary sewer appears to still be an option, although as previously stated, they are greater than 300 feet away at present.

In closing, I believe a sewage disposal system of undetermined size can be installed on-site. We are awaiting installation plans to determine if they can construct a 4 bedroom dwelling and install a properly-sized sewage disposal system.

9/14/2009

Tom Call 778-9544

Richard H. Shafer, M.D.
Health Officer



Stephen L. Ford, R.E.H.S.
Administrator

August 27, 2009

Ladimer Baird
9476 W. Stargazer Dr.
Pendleton, IN 46064

Dear Mr. Baird:

Recently this office received an application for an onsite sewage disposal system permit for the property located at 862 E. Broadway, Ingalls, IN. A site investigation by this department indicated that there are site restrictions that may make installing an onsite sewage disposal system difficult.

The sewage disposal system must be installed according to ISDH Rule 410 IAC 6-8.1 and the Madison County Sewage Disposal Ordinance. A copy of ISDH Rule 410 was provided to the builder, Mr. Doug Mader.

Please note that the lot size, well location, and foundation of the demolished dwelling seem to be the most limiting of the factors. This, coupled with the size of the proposed sewage disposal system, may make installation difficult or impossible.

Sewage disposal system plans submitted to this office must be drawn to scale and contain all relevant site information.

If you have any questions pertaining to this matter please contact myself or Mr. Joe Davis at (765)641-9523.

Sincerely,

Brandon Clidence
Environmental Supervisor

Madison County Government
Center Annex
206 East 9th Street Suite 200
Anderson, Indiana 46016
641-9523 • 641-9524
Fax: 765-646-9203

Nursing/HIV-STD Services
646-9206

WIC
646-9272

Fall Creek Regional Waste District is approximately 530 feet from their hookup and could tie into it if their other option is not feasible.

Mr. Mader told the Board they are leaning toward the septic and well but are leaving both options open.

(910.06.22 A.M. Chairman Baker is now present).

There were no remonstrators present.

Member Hobbs moved to approve Petition #2009-SU-009 per staff recommendation. It will not be injurious to the safety, health, morals and general welfare of the community. Structures would meet setback requirements of the district. The surrounding properties would not be affected and are all developed in a similar manor. It is consistent with the character of the zoning districts and the Zoning Plan.

Member Baker seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-SU-009 was approved.**

4. Miscellaneous - Director Wilson told the Board, Member Hobbs brought to staff's attention a property that received a Special Use grant but has yet to comply with stated conditions or profaning permits. Staff will begin to correct this.

Director Wilson commented on the status of McClure Oil. There were a number of questions about an island located in the right of way. Chuck Leser, INDOT and himself met on site and they did reach a resolution about the right of way and they have agreed for station 7 to do an island with some sort of separation on the entrance to the mobile home park and the Hart's property.

Member Maxwell asked if the people who live on 600N with the lawnmowers and the pigs had filed for a variance. Now he is selling go carts and a small farm tractor. He has received several complaints from the neighbors.

Director Wilson informed Member Maxwell staff has not received a request for a variance.

Mr. Shine concerning the K.C.C.A. there was another pre trial. A trial date has been confirmed and it will be the last week in January. It will be held in Madison County. The Madison County Board of Zoning Appeals has taken the position that they are an interested party and that the Board of Zoning Appeals will abide by whatever the decision is made by this court.

Chairman Baker made a motion, seconded by Member Durham to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 10:29:44 A.M.

Member Maxwell

Beverly Guignet, Secretary